

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

DWIGHT THOMAS, #239 064,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:20-CV-10-WHA-SRW
	)	[WO]
THE STATE OF ALABAMA, et al.,	)	
	)	
Defendants.	)	

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

Plaintiff, an inmate incarcerated at the Ventress Correctional Facility, filed this 42 U.S.C. § 1983 action on January 7, 2020. Plaintiff filed an affidavit in support of a motion for leave to proceed *in forma pauperis*. However, the motion did not include the required documentation from the inmate account clerk at the facility where Plaintiff is detained. The Court, therefore, did not have the information necessary to determine whether Plaintiff should be allowed to proceed in forma pauperis in this case, and it entered an order on January 9, 2020, requiring Plaintiff to provide the Court with this information on or before January 24, 2020. Doc. 3. The Court specifically cautioned Plaintiff that his failure to comply with the January 24 order would result in a recommendation that this case be dismissed. *Id.*

The time to comply with the Court's January 24, 2020, order has expired, and Plaintiff has filed no response. The Court, therefore, concludes that this case is due to be dismissed. *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (holding that as a general rule, where a litigant has been forewarned, dismissal for failure to obey a court order is not

an abuse of discretion.); *see also Tanner v. Neal*, 232 F. App'x. 924 (11th Cir. 2007) (affirming *sua sponte* dismissal without prejudice of inmate's § 1983 action for failure to file an amended complaint in compliance with court's prior order directing amendment and warning of consequences for failure to comply).

Accordingly, the undersigned Magistrate Judge RECOMMENDS that this case be DISMISSED without prejudice.

It is ORDERED that objections to the Recommendation must be filed **by November 10, 2021**. Any objections filed must specifically identify the factual findings and legal conclusions in the Magistrate Judge's Recommendation to which objection is made. Frivolous, conclusive or general objections will not be considered by the District Court. This Recommendation is not a final order and, therefore, it is not appealable. Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar a party from a *de novo* determination by the District Court of factual findings and legal issues covered in the report and shall "waive the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions" except upon grounds of plain error if necessary in the interests of justice. 11TH Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

DONE, on this the 27th day of October, 2021.

/s/ Susan Russ Walker  
Susan Russ Walker  
United States Magistrate Judge